

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALNYLAM PHARMACEUTICALS,  
INC.,

Plaintiff,

v.

MODERNA, INC., MODERNATX,  
INC., and MODERNA US, INC.,

Defendants.

C.A. No. 22-cv-335-CFC

ALNYLAM PHARMACEUTICALS,  
INC.,

Plaintiff,

v.

MODERNA, INC., MODERNATX,  
INC., and MODERNA US, INC.,

Defendants.

C.A. No. 22-cv-925-CFC

**PROPOSED STIPULATION AND ORDER  
REGARDING CASE CONSOLIDATION**

The parties, Alnylam Pharmaceuticals, Inc. (“Alnylam”) and Moderna, Inc., ModernaTX, Inc., and Moderna US, Inc. (collectively, “Moderna”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS Alnylam filed Civil Action No. 22-cv-00335-CFC (the “-335 Action”) on March 17, 2022 against Moderna;

WHEREAS Moderna filed Defendants’ Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (the “Partial Motion to Dismiss”) on May 23, 2022 in the -335 Action D.I. 11, D.I. 12;

WHEREAS Alnylam filed its response to the Partial Motion to Dismiss on May 27, 2022 (the “Response”) D.I. 14;

WHEREAS Moderna filed its reply to Alnylam’s response to the Partial Motion to Dismiss on June 13, 2022 (the “Reply”) D.I. 18;

WHEREAS Alnylam filed Civil Action No. 22-cv-00925-CFC (the “-925 Action”) on July 12, 2022 against Moderna;

WHEREAS, the -335 and -925 Actions involve common issues and consolidation will enable more efficient case management by the Court and avoid unnecessary costs and delays by avoiding duplicative discovery and motion practice in each case;

WHEREAS, the parties agree that the -335 and -925 Actions should be consolidated for all purposes, including the pending partial motion to dismiss, *Markman* proceedings, and trial;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the -335 Action and the -925 Action are consolidated for all purposes;

2. The -335 Action shall be the lead case, and all future filings shall be made only in the -335 Action;

3. Moderna's Partial Motion to Dismiss, Alnylam's Response, and Moderna's Reply, which were filed in the -335 Action, shall be deemed as filed in the -925 Action, and the parties agree the Court's ruling on that Motion shall apply in both Actions; and

4. All future filings shall include the following caption:

ALNYLAM PHARMACEUTICALS,  
INC.,

Plaintiff,

v.

MODERNA, INC., MODERNATX,  
INC., and MODERNA US, INC.,

Defendants.

Civil Action No. 22-cv-00335-CFC  
(CONSOLIDATED)

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Dated: July 27, 2022

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*Attorneys for Moderna, Inc.,  
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SO ORDERED this 27<sup>th</sup> day of July, 2022.

  
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CHIEF, UNITED STATES DISTRICT JUDGE